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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,141	12/29/2000	Renato Bertuzzi	5699-29	8423

21324            7590            04/01/2003  
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EXAMINER

VAN, QUANG T

ART UNIT      PAPER NUMBER

3742

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/752,141	BERTUZZI ET AL.
	Examiner Quang T Van	Art Unit 3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 January 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 19-26 is/are withdrawn from consideration.
- 5) Claim(s) 1-18 is/are allowed.
- 6) Claim(s) 27-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 April 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
- 1) Certified copies of the priority documents have been received.
  - 2) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

***Election/Restrictions***

1. With regard to Applicant's argument on paper #8, filed on 1-30-03, final restriction is withdrawn. However, the restriction as mention in paper 4 and 6 is sustained, because the restriction between Group I (the apparatus) and Group II (method) is the apparatus in Group I can used to another and materially different process, such as cutting aluminum sheet or copper sheet or cutting steel pipe or aluminum pipe or copper pipe, etc. Even though aluminum sheet, copper sheet, and steel sheet are metal materials, their metallurgical structures are totally different; thus, the powers apply for cutting these materials are totally different.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conley (US 4,633,055) in view of Stubbings (US 4,070,890) or Hugon (US 6,315,101). Conley discloses a plasma cutting system comprising a plasma arc cutting head (36), said head being mounted to move in two directions (col. 3, line 18) to permit said cutting head (36) to cut profiles in a stationary planar workpiece (col. 4, lines 25); and a movable bed (12) for supporting a planar workpiece; the movable bed (12, 112) being movable to a cutting position (col. 3, lines 38-40) in which said cutting head (36) is operable to cut the workpiece; and the movable bed being operable to transport the

workpiece away from the cutting head when cutting of the workpiece has ceased (113, figure 7). However, Conley does not disclose a path defining a circuit about which said movable bed can move. Stubbings and Hugon disclose an apparatus for cutting sheet of metal having a path defining a circuit about which said movable bed can move (in Stubbings, figure 1, col. 6, lines 4-6 and in Hugon, figure 1, col. 4, lines 25-28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Conley a path defining a circuit about which said movable bed can move as taught by Stubbings and Hugon in order to simplifying the apparatus of conveyor transfer system.

2. Claims 1-18 are allowed.

3. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not show or suggest a cutting machine comprising a pathway including a portion along which said carriage bypasses said cutting head as recited in claims 1-18.

***Response to Amendment***

4. Applicant's arguments with respect to claims 1-18 and 27-29 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang Van whose telephone is 703-306-9162. The examiner can normally be reached 8:30 to 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-308-1327. The fax phone numbers for this group is 703-782-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-308-0861.



QV

March 27, 2003



QUANG T. VAN  
**PATENT EXAMINER**